

STATE OF ILLINOIS)  
                                ) SS  
COUNTY OF COOK )

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

HEATHER PATTERSON, a minor, by and through )  
DEANNA PATTERSON and RAY PATTERSON, )  
her parents and next friends, )

Plaintiffs,

Y.

ALEXIAN BROTHERS MEDICAL CENTER,  
and RHONDA WILLIAMS, M.D.,

**Defendants.**

No. 03 L 003075 (E)

**FOURTH AMENDED COMPLAINT AT LAW**

**COUNT I**

The plaintiff, HEATHER PATTERSON, a minor, by and through her parents and next friends, RAY PATTERSON and DEANNA PATTERSON, by their attorneys, LANE & LANE, and, pleading hypothetically and in the alternative, makes the following allegations against the defendant, RHONDA WILLIAMS, M.D.:

1. That, between March 10, 1995 and March 12, 1995, the defendant, RHONDA WILLIAMS, M.D., was a physician, duly licensed by the State of Illinois, to practice medicine in all its branches, and, at all times relevant hereto, was acting as the actual or apparent agent of the defendant, ALEXIAN BROTHERS MEDICAL CENTER.

2. Prior to March 10, 1995, and between March 10, 1995 and March 12, 1995, the plaintiff, HEATHER PATTERSON, a minor, and her mother, DEANNA PATTERSON came under the care of the defendant, RHONDA WILLIAMS, M.D., for management of the labor,

EXHIBIT

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delivery and birth of HEATHER PATTERSON, a minor, and the defendant, individually and by and through her actual, apparent or implied agents and employees, examined the plaintiff and her mother, DEANNA PATTERSON and recommended a course of medical treatment which DEANNA PATTERSON undertook upon the advice of the said defendant.

3. At all times mentioned herein, it became and was the duty of the defendant, RHONDA WILLIAMS, M.D., to exercise due care and caution in the examination, diagnosis, and treatment of the plaintiff, HEATHER PATTERSON, a minor, and her mother, DEANNA PATTERSON.

4. The defendant, RHONDA WILLIAMS, M.D., individually and by and through her actual, apparent and implied agents and employees, was guilty of one or more of the following careless and negligent acts or omissions in the examination, treatment or diagnosis of HEATHER PATTERSON, a minor, and her mother, DEANNA PATTERSON:

- (a) Carelessly and negligently failed to deliver HEATHER PATTERSON by operative delivery;
- (b) Carelessly and negligently exerted unnecessary and excessive force and traction on the bodies of HEATHER PATTERSON and her mother, DEANNA PATTERSON;
- (c) Carelessly and negligently otherwise managed the labor, delivery, birth and neonatal care of HEATHER PATTERSON.

5. As a direct and proximate result of the aforesaid, the plaintiff, HEATHER PATTERSON, a minor, suffered injuries of a personal and pecuniary nature, including but not limited to, physical injuries described, inter alia, as Erb's Palsy, lost wages, medical expenses, pain and suffering, and physical and emotional trauma, all of which are permanent.

6. That, at all times relevant hereto, the plaintiff, HEATHER PATTERSON, has been physically, mentally and intellectually disabled, and has been entirely without

understanding or capacity to make or communicate decisions regarding her person, has been totally unable to manage her person, property, estate or financial affairs, and could not comprehend her rights or the nature of the act giving rise to her cause of action.

WHEREFORE, the plaintiff, HEATHER PATTERSON, a minor, by and through her parents and next friends, RAY PATTERSON and DEANNA PATTERSON, asks judgment against the defendant, RHONDA WILLIAMS, M.D., in a sum in excess of Fifty Thousand (\$50,000) Dollars, which will fairly compensate the plaintiff for the injuries sustained.

## COUNT II

The plaintiffs, RAY PATTERSON and DEANNA PATTERSON, by their attorneys, LANE & LANE, and, pleading hypothetically and in the alternative, make the following allegations against the defendant, RHONDA WILLIAMS, M.D.:

1. That, between March 10, 1995 and March 12, 1995, the defendant, RHONDA WILLIAMS, M.D., was a physician, duly licensed by the State of Illinois, to practice medicine in all its branches, and, at all times relevant hereto, was acting as the duly authorized or apparent agent of the defendant, ALEXIAN BROTHERS MEDICAL CENTER.

2. Prior to March 10, 1995, and between March 10, 1995 and March 12, 1995, the plaintiff, HEATHER PATTERSON, a minor, and her mother, DEANNA PATTERSON came under the care of the defendant, RHONDA WILLIAMS, M.D., for management of the labor, delivery and birth of HEATHER PATTERSON, a minor, and the defendant, individually and by and through her actual, apparent or implied agents and employees, examined the plaintiff and her mother, DEANNA PATTERSON and recommended a course of medical treatment which DEANNA PATTERSON undertook upon the advice of the said defendant.

3. At all times mentioned herein, it became and was the duty of the defendant, RHONDA WILLIAMS, M.D., to exercise due care and caution in the examination, diagnosis, and treatment of the plaintiff, HEATHER PATTERSON, a minor, and her mother, DEANNA PATTERSON.

4. The defendant, RHONDA WILLIAMS, M.D., individually and by and through her actual, apparent and implied agents and employees, was guilty of one or more of the following careless and negligent acts or omissions in the examination, treatment or diagnosis of HEATHER PATTERSON, a minor, and her mother, DEANNA PATTERSON:

- (a) Carelessly and negligently failed to deliver HEATHER PATTERSON by operative delivery;
- (b) Carelessly and negligently exerted unnecessary and excessive force and traction on the bodies of HEATHER PATTERSON and her mother, DEANNA PATTERSON;
- (c) Carelessly and negligently otherwise managed the labor, delivery, birth and neonatal care of HEATHER PATTERSON.

5. As a direct and proximate result of the aforesaid, the plaintiff, HEATHER PATTERSON, a minor, suffered injuries of a personal and pecuniary nature, which have required and will continue to require the plaintiffs, RAY PATTERSON and DEANNA PATTERSON, to expend and become obligated for diverse sums of money in endeavoring to treat and cure said injuries.

6. That the plaintiffs, RAY PATTERSON and DEANNA PATTERSON, are the biological parents of the minor plaintiff, HEATHER PATTERSON.

7. That, at all times relevant hereto, the plaintiff, HEATHER PATTERSON, has been physically, mentally and intellectually disabled, and has been entirely without understanding or capacity to make or communicate decisions regarding her person, has been

totally unable to manage her person, property, estate or financial affairs, and could not comprehend her rights or the nature of the act giving rise to her cause of action.

8. That the plaintiffs, RAY PATTERSON and DEANNA PATTERSON, hereby assign any right of recovery they may have herein to the minor plaintiff, HEATHER PATTERSON.

WHEREFORE, the plaintiffs, RAY PATTERSON and DEANNA PATTERSON, ask judgment against the defendant, RHONDA WILLIAMS, M.D., in a sum in excess of Fifty Thousand (\$50,000) Dollars, which will fairly compensate the plaintiff for the injuries sustained.

### COUNT III

The plaintiff, HEATHER PATTERSON, a minor, by and through her parents and next friends, RAY PATTERSON and DEANNA PATTERSON, by their attorneys, LANE & LANE, and, pleading hypothetically and in the alternative, makes the following allegations against the defendant, ALEXIAN BROTHERS MEDICAL CENTER:

1. That, between March 10, 1995 and March 12, 1995, and at all times relevant hereto, the defendant, ALEXIAN BROTHERS MEDICAL CENTER, owned, operated, maintained, managed and controlled a certain medical facility wherein it provided rooms, laboratories, technicians, and nursing services, for patients confined in the said facility.

2. That, between March 10, 1995 and March 12, 1995, RHONDA WILLIAMS, M.D., was a physician, duly licensed by the State of Illinois, to practice medicine in all its branches, and, at all times relevant hereto, was acting as the actual, apparent or implied agent of ALEXIAN BROTHERS MEDICAL CENTER.

3. That, between March 10, 1995 and March 12, 1995, the plaintiff, HEATHER PATTERSON, a minor, and her mother, DEANNA PATTERSON were patients confined in the

said facility, under the care of a duly licensed physician, for the management of the labor, delivery and birth of HEATHER PATTERSON, a minor.

4. It was the duty of the defendant, by and through its actual, apparent and implied agents and employees, to exercise ordinary care and caution in the care and treatment of HEATHER PATTERSON, a minor, and her mother, DEANNA PATTERSON.

5. Not regarding its duty as aforesaid, the defendant, ALEXIAN BROTHERS MEDICAL CENTER, by and through its duly authorized or apparent agents, servants, and employees, was guilty of one or more of the following careless and negligent acts or omissions:

- (a) Carelessly and negligently failed to deliver HEATHER PATTERSON by operative delivery;
- (b) Carelessly and negligently exerted unnecessary and excessive force and traction on the bodies of HEATHER PATTERSON and her mother, DEANNA PATTERSON.
- (c) Carelessly and negligently otherwise managed the labor, delivery, birth and neonatal care of HEATHER PATTERSON.

6. As a direct and proximate result of the aforesaid, the plaintiff, HEATHER PATTERSON, a minor, suffered injuries of a personal and pecuniary nature, including but not limited to, physical injuries described, inter alia, as Erb's Palsy, lost wages, medical expenses, pain and suffering, and physical and emotional trauma, all of which are permanent.

7. That, at all times relevant hereto, the plaintiff, HEATHER PATTERSON, has been physically, mentally and intellectually disabled, and has been entirely without understanding or capacity to make or communicate decisions regarding her person, has been totally unable to manage her person, property, estate or financial affairs, and could not comprehend her rights or the nature of the act giving rise to her cause of action.

WHEREFORE, the plaintiff, HEATHER PATTERSON, a minor, by and through her parents and next friends, RAY PATTERSON and DEANNA PATTERSON, ask judgment against the defendant, ALEXIAN BROTHERS MEDICAL CENTER, in a sum in excess of Fifty Thousand (\$50,000) Dollars, which will fairly compensate the plaintiff for the injuries sustained.

COUNT IV

The plaintiffs, RAY PATTERSON and DEANNA PATTERSON, by their attorneys, LANE & LANE, and, pleading hypothetically and in the alternative, make the following allegations against the defendant, ALEXIAN BROTHERS MEDICAL CENTER:

1. That, between March 10, 1995 and March 12, 1995, and at all times relevant hereto, the defendant ALEXIAN BROTHERS MEDICAL CENTER, owned, operated, maintained, managed and controlled a certain medical facility wherein it provided rooms, laboratories, technicians, and nursing services, for patients confined in the said facility.

2. That, between March 10, 1995 and March 12, 1995 the defendant, RHONDA WILLIAMS, M.D., was a physician, duly licensed by the State of Illinois, to practice medicine in all its branches, and, at all times relevant hereto, was acting as the duly authorized or apparent agent of ALEXIAN BROTHERS MEDICAL CENTER.

3. That, between March 10, 1995 and March 12, 1995, the plaintiff, HEATHER PATTERSON, a minor, and her mother, DEANNA PATTERSON were patients confined in the said facility, under the care of a duly licensed physician, for the management of the labor, delivery and birth of HEATHER PATTERSON.

4. It was the duty of the defendant, by and through its actual, apparent and implied agents, servants and employees, to exercise ordinary care and caution in the care and treatment of HEATHER PATTERSON, a minor, and her mother, DEANNA PATTERSON.

5. Not regarding its duty as aforesaid, the defendant, ALEXIAN BROTHERS MEDICAL CENTER, by and through its actual, apparent and implied agents and employees, was guilty of one or more of the following careless and negligent acts or omissions:

- (a) Carelessly and negligently failed to deliver HEATHER PATTERSON by operative delivery;
- (b) Carelessly and negligently exerted unnecessary and excessive force and traction on the bodies of HEATHER PATTERSON and her mother, DEANNA PATTERSON;
- (c) Carelessly and negligently otherwise managed the labor, delivery, birth and neonatal care of HEATHER PATTERSON.

6. That RAY PATTERSON and DEANNA PATTERSON are the natural and biological parents of the minor plaintiff, HEATHER PATTERSON.

7. That, at all times relevant hereto, the plaintiff, HEATHER PATTERSON, has been physically, mentally and intellectually disabled, and has been entirely without understanding or capacity to make or communicate decisions regarding her person, has been totally unable to manage her person, property, estate or financial affairs, and could not comprehend her rights or the nature of the act giving rise to her cause of action.

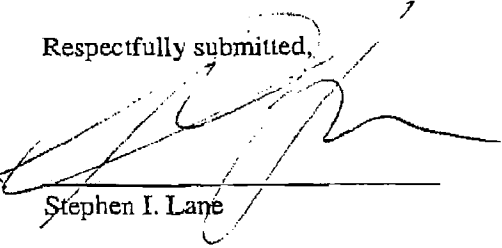
8. As a direct and proximate result of the aforesaid, the plaintiff, HEATHER PATTERSON, a minor, suffered injuries of a personal and pecuniary nature, which have required and will continue to require the plaintiffs, RAY PATTERSON and DEANNA PATTERSON, to expend and become obligated for diverse sums of money in endeavoring to treat and cure said injuries.

9. That the plaintiffs, RAY PATTERSON and DEANNA PATTERSON, hereby assign any right of recovery they may have herein to the minor plaintiff, HEATHER PATTERSON.

WHEREFORE, the plaintiffs, RAY PATTERSON and DEANNA PATTERSON, ask judgment against the defendant, ALEXIAN BROTHERS MEDICAL CENTER, in a sum in excess of Fifty Thousand (\$50,000) Dollars, which will fairly compensate the plaintiffs for the injuries sustained.

Respectfully submitted,

By:

  
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